

UNITED STATES DISTRICT COURT

Northern District of California

Oakland Division

JOHN DOE,

Plaintiff,

No. C 09-01665 LB

v.

LIFE INSURANCE COMPANY OF NORTH  
AMERICA, ET AL.,

**ORDER FOR SUPPLEMENTAL  
BRIEFING**

Defendants.

Pending before the Court is Plaintiff John Doe's Motion for Judgment (Dkt. #52). On April 15, 2010, the Court held oral argument on the Motion. During the hearing, Defendants argued that if the Court determines that the Life Insurance Policy's Notice of Claim provision does not apply to the Waiver of Premium Benefit, the Court must remand the case to the case to the Plan Administrator to make an initial determination as to whether Plaintiff is entitled to the Waiver of Premium Benefit. The issue, however, was not addressed in the parties' briefs. The Court therefore **ORDERS** supplemental briefing from the parties as follows:

1. No later than May 27, 2010, Defendants shall file a supplemental brief no longer than 7 pages in length (with citations to relevant legal authority and any relevant exhibits), addressing whether remand to the Plan Administrator would be appropriate if the Court determines that the

1 Notice of Claim Provision does not apply to the Waiver of Premium Benefit.

2 2. No later than June 10, 2010, Plaintiff shall file a supplemental response brief no  
3 longer than 7 pages in length (with citations to relevant legal authority and any relevant exhibits)  
4 responding to Defendants' supplemental brief.

5 3. Any argument beyond the scope of the issue presented will be stricken.

6 **IT IS SO ORDERED.**

7 Dated: May 12, 2010



8 LAUREL BEELER  
9 United States Magistrate Judge